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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,758	08/02/2001	Hiroaki Onishi	10921.99USWO	7944
	7590	12/02/2004	EXAMINER	
Douglas P Mueller Merchant & Gould 3200 IDS Center 80 South 8th Street Minneapolis, MN 55402-2215			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,758

Applicant(s)

ONISHI ET AL.

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/02/01.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,5,15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada (US 6,738,165) in view of Onishi et al (JP 2000-115485).

Regarding claim 1, which is representative of claims 5,15-16, Sawada discloses a transparent cover 2 having a first surface on an image reading region side (Col 4 Lines 32-35), and a second surface 1 away from the first surface; a light source throwing light to the image reading region from a second-surface side of the transparent cover (Col 4 Lines 46-52); and a plurality of light receiving elements 7 each receiving reflected light from the image reading region and outputting an image signal corresponding to an amount of the light received (Col 4 Lines 55-67; Col 5 Lines 1-3).

Sawada does not disclose expressly wherein the transparent cover includes a transparent main body of a synthetic resin, and a transparent glass member corresponding to the image reading region, that the transparent main body has a groove corresponding to the image reading region, the transparent glass member being placed in the groove; and that the transparent main body and the transparent glass member each has a surface which is flush with each other and provides the first surface.

Onishi discloses wherein the transparent cover includes a transparent main body of a synthetic resin, and a transparent glass member corresponding to the image reading region, that the transparent main body has a groove corresponding to the image reading region, the transparent glass member being placed in the groove; and that the transparent main body and the transparent glass member each has a surface which is flush with each other and provides the first surface (Paragraphs 17,22,24 *Description of the Invention*).

Sawada & Onishi are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Sawada and Onishi.

The suggestion/motivation for doing so would have been as both systems involve image reading within a scanner.

Therefore, it would have been obvious to combine Fujimoto with Sawada to obtain the invention as specified in claims.

3. Claims 3,6-13,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada (US 6,738,165) in view of Onishi (JP 2000-115485) and further in view of Fujimoto et al (US 6,195,183).

Considering claim 3, Sawada teaches wherein the groove is provided by a through hole formed in the transparent cover (Col 5 Lines 62-67).

Regarding claims 6-7,9-12, Sawada teaches wherein the nontransparent region is formed with a white spot and/or the black spot (Col 6 Lines 36-44).

Considering claim 8, Fujimoto teaches wherein the image reading region is linear (Col 5 Line 67-Col 6 Lines 1-6), the transparent cover having a nontransparent region corresponding to the other end portion of the image reading region (Fig 2; Ref 3).

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Considering claim 13, Fujimoto teaches wherein the nontransparent region is provided by a nontransparent member separate from the glass member and the cover main body, placed in the groove (Col 5 Lines 55-59).

Considering claim 17, Sawada teaches comprising a nontransparent region provided at least at one longitudinal end portion of the groove (Col 6 Lines 36-44).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 recites the limitation "the white spot and the black spot" in lines 9-10 of page

3. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

6. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

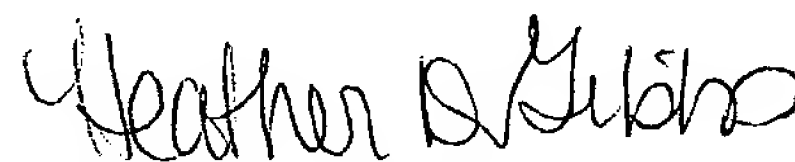
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2622

hdg



EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER